

Administrative Procedure #6
Use of the
LAW ENFORCEMENT AGENCIES DATA SYSTEM (LEADS)
July 15, 2001 – P.T. 2001.18

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Section 6.1 Introduction

The purpose of this Administrative Procedure is to provide staff with a protocol for the use of information from the Law Enforcement Agencies Data System, commonly known as LEADS. LEADS is an indispensable tool in the risk assessment decision-making process. It may also be helpful to the child protection investigator in assessing risk to the investigator in conducting an investigation, to placing workers when assessing a child's safety in a potential relative home placement, and to child welfare workers when arranging for visits and contact between parents and children and making important case decisions.

Criminal background information may be useful as a starting point for an investigation to pinpoint areas of concern that require further investigation. In assessing the importance of LEADS information, the following guidelines should be used:

- Criminal history record information should be considered in relation to child safety and the caregiver's ability to care for children.
- Arrests are not convictions. Arrests require further investigation to determine their relevancy to the safety of children. Arrest information may be used to assess conflict resolution abilities and stability of the home environment. While the fact of an arrest cannot support a determination that the alleged act occurred, by assessing the underlying documents and conducting interviews, an investigator can determine whether issues are present that affect the child's safety and well-being.
- There is no clearer predictor of future violence than past violence. Thus, workers should pay particular attention to criminal history record information involving interpersonal violence. Criminal history record information may disclose conflict resolution issues beyond the criminal acts that form the basis of the arrest or conviction.
- Gang-related activity may present a danger to children but workers should be sensitive to the fact that minority young adults are disproportionately arrested and charged with "mob action."
- How long ago the individual was convicted and the age of the individual when convicted should be considered. If the individual was incarcerated, the time which has elapsed since the individual was released from prison and any subsequent criminal activity since his or her release should be considered in evaluating whether the individual has been rehabilitated.

Some convictions operate as a complete bar to placement with a relative and cannot be waived. See Rules 301, Appendix A for a complete list of crimes which bar placement with relatives and for information about the waiver process.

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- If LEADS data appears relevant to child safety, the worker shall access the underlying documents supporting the LEADS information. In an emergency situation when a child is in immediate danger of physical harm or it is likely that the family may flee with the child, the worker shall act immediately to protect the child before accessing the underlying documents supporting LEADS information.

Section 6.2 Definitions

"Criminal History Record Information" refers to information collected on individuals consisting of identifiable descriptions, which include such information as name, sex, race, date of birth, Social Security Number, State Identification Number, Federal Bureau of Identification (FBI) Number, and other information used to determine the subject of the Criminal History Transcript, and notations of arrests, detentions, indictments, information, or other formal criminal charges or proceedings, and disposition arising therefrom, sentencing, correctional supervision, and release. (from 20 Ill. Adm. Code 1530, Individual's Right to Access and Review Criminal History Record Information, Section 1530.10 Definitions)

"LEADS" means the Law Enforcement Agencies Data System. LEADS provides summaries of the following information:

- pending (unresolved) charges,
- arrests which did not result in charges,
- charges which did not result in a conviction,
- convictions,
- existing orders of protections, including domestic violence orders of protection,
- existing warrants issued,
- current address only if the person is on parole or there is an arrest warrant,
- driver's license information,
- whether the offender was sentenced to imprisonment, and
- whether the individual is a registered sex offender, child sex offender, or child murderer.

"LEADS information" means the verbal or written criminal history information provided to the requesting worker by the LEADS operator.

"LEADS operator" means designated staff within the State Central Register who have been trained by the Illinois State Police in the access and proper use of LEADS information. A worker shall request a LEADS check by faxing a **CANTS 48, Request for LEADS / CANTS Check** to the LEADS operator at (217) 524-0359. When there is an urgent need for LEADS information, as described in this Administrative Procedure, the LEADS operator may be contacted by

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telephoning (217) 785-3202. LEADS operators may be contacted 24 hours per day, seven days per week.

“Need to know” means knowledge of LEADS information is necessary to the safety of the child or family members, the safety of the service provider, or the effectiveness and appropriateness of the services provided.

“Negative LEADS check” means there is no criminal history record information available via the LEADS system for the name and identifying information given to the LEADS operator.

“Persons authorized to receive LEADS information” means the child protection supervisor and investigator investigating a report of child abuse/neglect, the placing worker evaluating the appropriateness of a placement with an unlicensed relative, the child welfare supervisor and child welfare worker assigned to a child welfare case, and the managers in their chains of command. In addition, persons who provide services to any member of the family may receive LEADS information when there is a need to know the information, as “need to know” is defined in this Administrative Procedure.

“Persons subject to LEADS checks” means all adult members of the household (age 18 and over) and any person age 18 and over who frequents the home.

“Positive LEADS check” means there is some criminal history record information available via the LEADS system for the name and identifying information given to the LEADS operator. The criminal history record information may consist of arrest only information or may include information about charges and convictions.

“Underlying documents” means police reports, arrest records, certified copies of conviction or other law enforcement or court documents supporting information obtained from LEADS.

Section 6.3 What LEADS Can Do

a) Illinois Information Only

LEADS access through the State Central Register (SCR) will only give Illinois criminal history record information for adults or juveniles who were tried as adults. Juvenile records are not available via LEADS. A LEADS check can provide the following information regarding the names checked:

- pending (unresolved) charges,
- arrests which did not result in charges,
- charges which did not result in a conviction,
- convictions,

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- existing orders of protections, including domestic violence orders of protection,
- existing warrants issued,
- current address only if the person is on parole or there is an arrest warrant,
- driver's license information,
- whether the offender was sentenced to imprisonment, and
- whether the individual is a registered sex offender, child sex offender, or child murderer.

b) Information from Other States

If there is reason to suspect that the subject has a criminal record outside of Illinois, contact the Office of the Inspector General, Bureau of Investigations at (312) 433-3000 to request an out-of-state check. Be ready to provide the OIG with:

- the SCR or CYCIS ID number,
- the social security number, birth date, and
- the name and address of the subject.

c) Caution File Alert

LEADS may provide a **"CAUTION FILE ALERT."** A **CAUTION FILE ALERT** provides additional information on LEADS which a child protection investigator, child welfare worker, or police officer needs to know for his or her own safety. This information should be used in your risk and placement assessments. This information may include whether the individual is a registered sex offender, some information on gang affiliations, whether there is any history of threats against police officers and officials, and the offender's parole status. LEADS will also provide information on orders of protection currently in effect.

Treat this information seriously. It may save your life or the life of a child in your caseload.

Section 6.4 How LEADS Should Not Be Used

All Department and private agency staff whose job duties require that they access LEADS information must sign the **CFS 853, Acknowledgment of Limits of LEADS Access and Confidentiality of LEADS Information**, before access to LEADS will be granted. Copies of the signed **CFS 853** are to be retained in the employee's personnel file maintained by DCFS or the private agency.

- LEADS *is not* a substitute for a State of Illinois or Federal Bureau of Investigation fingerprint check.

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- LEADS **cannot** provide information pertaining to any aliases used by the subject.
- LEADS **cannot** provide criminal history record information from other states unless the Office of Inspector General is contacted for assistance pursuant to subsection 6.3(b) above.
- In addition, because LEADS is dependent upon a voluntary data entry system, the information may be incomplete or even erroneous.
- LEADS **should never** be used for licensing or pre-employment checks.
- LEADS **should never** be used for criminal history checks which are conducted prior to finalization of an adoption, unless court-ordered.
- LEADS **should never** be used as a substitute for CANTS checks. All required CANTS checks must also be completed.
- LEADS **should never** be used to qualify an individual for Section 8 (subsidized) housing.

Misuse of LEADS is a serious matter! Access to LEADS information is protected by both State and Federal Law. It is a class A misdemeanor to improperly access LEADS. A worker shall initiate a LEADS check only for the reasons stated in this Administrative Procedure. If a worker initiates a LEADS check other than as authorized in this Administrative Procedure:

- The worker may permanently lose access to LEADS, thus rendering him or her unable to perform certain jobs;
- The worker may be subjected to progressive disciplinary action, up to and including discharge;
- The worker may be convicted of a Class A misdemeanor, fined up to \$1,000 and jailed for up to 364 days (the State of Illinois will not indemnify staff who misuse LEADS information); and/or
- If a private child welfare agency does not ensure that its staff are requesting LEADS checks appropriately, the entire agency may permanently lose access to LEADS information, thus making it impossible for the agency to continue to provide many contractual services to the Department.

Section 6.5 When to Use LEADS

a) Use of LEADS by the State Central Register

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When the report involves any of the following allegations and the report does not allege that a child is in immediate danger of physical harm or that it is likely that the family may flee with the child, SCR shall conduct a LEADS check before the report is faxed to the responsible child protection team. If a report alleges that a child is in immediate danger of physical harm or that it is likely that the family may flee with the child, SCR shall first immediately fax the report to the child protection team. After faxing the report, the call floor worker shall conduct the LEADS check and fax a written response to the child protection team within 45 minutes.

LEADS checks shall be conducted on the following persons (if they are listed on the report) and the report involves one of the following allegations listed below:

- alleged perpetrators,
- adult members of the household, and
- adults who frequent the home.

All reports which involve allegations:

#1/51	Death
#2/52	Brain Damage/Skull Fracture
#3/53	Subdural Hematoma
#4/54	Internal Injuries
#5/55	Burns/Scalding
#7/57	Wounds
#9/59	Bone Fractures
#11/61	Cuts, Bruises and Welts, when the involved child is under age six or has a physical or mental disability
#12/62	Human Bites, when alleged to have been caused by an adult
#13/63	Sprains/Dislocations
#16	Torture
#18	Sexually Transmitted Diseases
#19	Sexual Penetration
#20	Sexual Exploitation
#21	Sexual Molestation
#22	Risk of Sexual Abuse reports and Risk of Physical Abuse reports, when the involved child is under age six or has a physical or mental disability.
#65	Substance Misuse reports

The Call Floor Worker shall initiate the LEADS check and shall indicate in the bottom of the narrative section of the CANTS 1 that a LEADS check has been completed and that it was either positive or negative. If the LEADS check is positive, meaning there is some criminal history record information available on LEADS, the LEADS operator shall fax the LEADS summary sheet with the CANTS 1. If the assigned Child Protection Investigator has questions about information contained on the

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LEADS summary sheet, the investigator shall call the LEADS operator at (217) 785-3202 for more detailed information.

Incomplete LEADS Checks and Insufficient Information for a Check

LEADS Check Incomplete. In order to prevent delays in transmitting reports, if the LEADS check cannot be completed within one hour after the report was taken or the report alleges a child is in immediate danger of physical harm or it is likely that the family may flee with the child, the CANTS 1 shall be faxed to the local office with a note in the narrative section stating “LEADS check incomplete”.

Insufficient Information to Conduct LEADS Check. At times, SCR will be unable to conduct the LEADS check because the reporter does not have enough information on the family for a LEADS check to be completed. The notation “Insufficient information for LEADS check” will be included on the CANTS 1. When the child protection investigator has obtained sufficient information for a LEADS check to be completed (last name, first name, and birth date or social security number is the minimum information), the investigator must call the LEADS operator at (217) 785-3202 and request a LEADS check on the alleged perpetrator (if age 18 or over), all adult members of the household, and any adults who frequent the household.

b) Use of LEADS by Child Protection Investigators

Additional Alleged Perpetrators or Other Adults in the Household. If the report involves one of the allegations listed in Section 6.5(a) and the child protection investigator adds alleged perpetrators to the report or learns there are adults residing in the household or who frequent the home (in addition to those listed on the CANTS 1), the child protection investigator shall:

- obtain sufficient information for a LEADS check to be completed (last name, first name, and birth date or social security number); and
- call the LEADS operator at (217) 785-3202 to request a LEADS check.

Additional Allegations. If the child protection investigator adds one of the allegations listed in [Section 6.5\(a\)](#) to a report which did not contain one of those allegations when it was transmitted by SCR, the child protection investigator shall:

- obtain sufficient information for a LEADS check to be completed (last name, first name, and birth date or social security number); and
- call the LEADS operator at (217) 785-3202 to request a LEADS check.

Unlicensed Relative Caregivers. When an unlicensed relative caregiver is the subject of a report or if a safety plan involves initial or continued placement with an unlicensed relative, the child protection investigator shall:

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- obtain sufficient information for a LEADS check to be completed (last name, first name, and birth date or social security number) on the unlicensed relative caregiver, all adults in the household, and any adults who frequent the home; and
- call the LEADS operator at (217) 785-3202 and obtain a LEADS check and secure a placement clearance in accordance with Procedures 301, Appendix E, Placement Clearance Process, prior to leaving the children in the care of the unlicensed relative caregiver.

Licensed Foster Homes, Group Homes and Child Care Facilities. For investigations involving licensed caregivers, the investigator shall call (217) 785-2688 and request an update of the criminal history record information which was obtained on the licensee, child care facility employees, and household members when the criminal background check was completed. If persons are residing in or frequenting the home who were not reported to licensing and thus there is no criminal history record information available through licensing, the child protection investigator shall fax a **CANTS 48, Request for LEADS / CANTS Check** to the LEADS operator at (217) 524-0359 and request a LEADS check on these individuals.

c) Use of LEADS for Child Protection and Child Welfare Purposes

In addition to the allegations in subsection 6.5(a), LEADS checks on **the alleged perpetrator, all adults in the household, and any adult who frequents the home** shall be used in both investigations and follow-up work in the following circumstances:

For the biological family (both intact family and out-of-home placement cases):

- when the facts suggest violence, drug abuse, or sexual abuse by any adult in the household,
- when the composition of adult members of the household changes,
- when the worker fears a violent reaction to a child protection or child welfare visit, in order to assess the level of risk and to determine whether another worker or the police should be asked to accompany the worker on the visit, or
- before making an important case decision when the LEADS information may provide valuable insight into the risk to the child. Important case decisions may include, but are not limited to:
 - selecting the permanency goal,
 - sharing a foster parent/relative caregiver's address and phone number (for purposes of telephone contact and letters) with the biological parents or sibling living with the biological parents,
 - allowing unsupervised or overnight visits,

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- returning a child home,
- developing a service plan.

For the caregiver, other adult members of the household and any adult who frequents the home of an unlicensed relative with whom a DCFS ward may be/is placed:

- before making a placement with an unlicensed relative,
- when the composition of adult members of the household changes in an unlicensed relative home,
- when developing a protective plan while an investigation is pending,
- before each case review involving an unlicensed relative placement.

For the caregiver, other adult members of the household, and any adult who frequents the home of an individual who may be appointed an adult guardian under the Probate Act of a child or youth for whom the Department is legally responsible:

- before initiating guardianship proceedings under the Probate Act,
- if the composition of adult members in the household changes after a petition for appointment of an adult guardian has been filed in court, but prior to entry of an order appointing an adult guardian.

d) Use of LEADS by Private Agency Staff

Authorized private agency staff may initiate LEADS checks only for the same reasons listed above for DCFS staff. Private agency staff must acknowledge their responsibility to handle LEADS information only in the manner and for the purposes specified in this Administrative Procedure, including adherence to the confidentiality safeguards described in [Section 6.9](#), Confidentiality of LEADS Information. This acknowledgment shall be made in writing on the **CFS 853, Acknowledgment of Limits of LEADS Access and Confidentiality of LEADS Information**.

Section 6.6 Terms Used in LEADS Reports

a) Terms Describing the Termination of a Case Without Findings

When the police have detained a person, this is an arrest, which may or may not result in charges, a conviction, and subsequent fines or incarceration.

“Arrest” means the police have taken a person into custody. An arrest alone on the LEADS report does not mean that charges were filed in court. Persons are sometimes arrested by police and then released without charges. If the police recommend filing charges and if the State’s Attorney files the charges, the LEADS

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report will show “Direct Filed with Court.” Arrest information obtained from LEADS is not public information.

If charges are filed, a case may be terminated before trial without any findings against the individual. Terms reflecting this kind of termination include:

Dismissed. The court ends the case without making any findings or determinations against the defendant. Sometimes LEADS references particular types of dismissal including:

Dismiss/No probable cause. The court found that the State could not produce the minimal amount of evidence required to make a case to a judge or jury.

Dismiss/Want of prosecution. The court dismissed the case after the State failed to proceed with the case.

Dismiss/Superseded. These particular charges were replaced by other amended and/or additional charges.

Nolle Pros or Nolle Prosequi. Dismissed on motion of the State’s Attorney because the State’s Attorney has chosen not to prosecute the case. No further action on this charge will occur.

Stricken on Leave or SOL. The State moves to dismiss pending charges with the right to reinstate the charges within 120 days if the person is in custody or 160 days if the person is not in custody. If the State does not move to reinstate, the dismissal becomes final.

b) Sentencing Terms

If a person admits to the crime before a judge, enters a plea of guilty or is found guilty after a trial, the court may choose from several sentencing options. Some of the sentencing terms used on a LEADS report are:

Guilty. The defendant has acknowledged the commission of the crime by admitting the facts before a judge or the defendant has been found to have committed the crime by a judge or a jury after a trial. This is a conviction and generally stays with the defendant forever.

Probation. Probation is a possible sentencing disposition for misdemeanors and most felonies. It is a conditional and revocable release under the supervision of a probation officer. This is a conviction and generally stays with the defendant forever.

Supervision or Withhold Judgment/Supervision. Supervision is a sentencing disposition in which an individual admits to the crime, but the court does not

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immediately enter judgment. Instead, the court sentences the individual to a conditional and revocable release similar to probation, but without probationary supervision. The court may impose conditions and reporting requirements. If the defendant successfully completes the term of supervision, the defendant is discharged, a judgment dismissing the charges is entered and, on request of the defendant, the charges are expunged. Supervision is not a “conviction.”

710 or 1410 Probation. These sentencing alternatives are similar to supervision. Even though the defendant admits his guilt, the court does not enter judgment, and if the defendant successfully completes the term of probation, the charges are dismissed. 710 probation, however, only applies to marijuana charges. 1410 probation applies only to controlled substance cases. Neither 710 nor 1410 probation is considered a “conviction.” Note: the LEADS report must say “710 probation” or “1410 probation” or else the sentence is regular probation and is considered a conviction.

c) Probation and Parole

As an alternative to imprisonment, the court may place a defendant on probation. The terms probation and parole (also called mandatory supervised release) are often confused. A person sentenced to probation does not go to the state penitentiary (although he or she may get some jail time in the county jail). A person on parole (or mandatory supervised release) has been sent to prison, completed the term of imprisonment and has been released on parole subject to the supervision of a parole officer.

Section 6.7 Classes of Crimes

a) General Classifications of Crimes

All crimes are divided into three categories: petty offenses, misdemeanors and felonies. LEADS sometimes shows the class to which the crime belongs. The greater the classification, the more serious the crime. The classification can provide some guidance in determining the risk the conviction represents to the children and to DCFS/POS staff.

- Petty offenses are “fine only” crimes.
- Misdemeanors have a maximum jail time of 364 days.
- Felony prison terms start at one year and go to life without parole or even death.

Misdemeanors and felonies are further broken into classes. Sentencing ranges for misdemeanors and felonies are set out below. While these sentencing ranges apply for most crimes, the sentence for certain felonies may be even greater or enhanced, if certain aggravating factors, such as multiple offenses of the same or greater class of crime, are present.

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b) Misdemeanors:

Class C: up to 30 days	(For any misdemeanor, the court
Class B: up to 6 months	(may sentence the defendant to up
Class A: up to 364 days	(to two years probation instead of jail.

c) Felonies:

Class 4 felony: 1 to 3 years. Extended term: 3 to 6 years
Probation: up to 30 months

Class 3 felony: 2 to 5 years. Extended term: 5 to 10 years
Probation: up to 30 months

Class 2 felony: 3 to 7 years. Extended term: 7 to 14 years
Probation: up to 4 years

Class 1 felony: 4 to 15 years. Extended term: 15 to 30 years
Probation: up to 4 years

Class X felony: 6 to 30 years. Extended term: 30 to 60 years.
Probation: not possible

First Degree Murder: Death, life sentence without parole, 20 to 60 years,
Probation: not possible

Section 6.8 How to Access LEADS

a) Urgent Need for LEADS Information and/or Clearance for Placement with Unlicensed Relative Caregivers

To initiate a LEADS check when the information is for a child protection investigation, emergency protective service plan, or for obtaining clearance for placement with an unlicensed relative caregiver, workers shall call the LEADS operator at (217) 785-3202, 24 hours per day, seven days per week, and request a LEADS check. The worker must be prepared with the following information on the individual to be checked:

- last name and first name,
- as much additional identifying information as is available, such as
- date of birth,
- social security number, and
- if the LEADS check is requested as part of a child protection investigation, the SCR number assigned to the case; or for child welfare services, the CYCIS file number.

b) Routine Need for LEADS Information

To initiate a LEADS check when the information is needed within a few days, such as prior to an administrative case review involving an unlicensed relative caregiver, changes in visitation plans, court-ordered adoption background checks, and other non-imminent placement uses, the worker may fax the request for a LEADS check

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to the LEADS operator at (217) 524-0359 using the attached **CANTS 48, Request for LEADS / CANTS Check**.

c) Response from LEADS Operators

The LEADS operator shall fax a written response to the requestor. The written response will indicate whether the LEADS check is “positive” (some criminal history record information exists) or “negative” (no criminal history record information). If the response is “positive”, the LEADS operator shall mail a LEADS summary sheet to the requestor within 24 hours of completing the LEADS check. The worker shall place the LEADS summary sheet in the case record.

Section 6.9 Confidentiality of LEADS Information

a) Access Underlying Documents

LEADS information is confidential and provides only summary information on any criminal behavior. Because LEADS information must be kept confidential, and in order to clarify the information and gain a fuller understanding of the facts, workers shall access the underlying documents pertinent to the LEADS information. Conviction and closed arrest records are public information that may be shared whenever necessary to accomplish a legitimate child protective or treatment goal. Information that forms the basis for an arrest shall not be shared unless it may affect the health or safety of a child, a family member, or a person providing services to the family.

b) Share Criminal Information Appropriately

Sharing information with the subject of the LEADS information. LEADS information and the underlying documents may be shared with the involved person to obtain his or her perspective on the incidents described.

Sharing information with others. There is a difference in sharing LEADS information and underlying documents with persons other than the subject of the LEADS information.

LEADS information may be shared with persons within or outside of DCFS or the private agency only when such persons need to know the information, as defined in [Section 6.2](#) of this Administrative Procedure.

All disclosures of LEADS information to persons outside of DCFS or the private agency shall be in writing, and shall be accompanied by a **CFS 854, Disclosure of LEADS Information**. The worker shall document on the **CFS 854** to whom LEADS information will be shared and the need for sharing LEADS information. The supervisor shall review the completed **CFS 854** for compliance with this Administrative Procedure. If the supervisor agrees that information should be disclosed to the person designated on the **CFS 854**, the worker and supervisor shall

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sign the **CFS 854** and attach it as a cover letter to the document containing the LEADS information to be disclosed. A copy of the signed **CFS 854** shall be placed in the case record.

While LEADS information is highly confidential, the underlying documents, such as police reports, court reports, and admissions from a subject, may be shared within the Department or private agency involved, with court personnel, and with members of the treatment team, but only to the extent that such information is relevant to child protection, service, or treatment decisions to be made on behalf of the children or family, in accordance with Rule 431, Confidentiality of Personal Information of Persons Served by the Department.

A worker may need to share information from the underlying documents with family members or other caretakers of the children when knowledge of criminal history information is required to protect or serve the child. The amount of criminal history information shared with family members and caretakers should be strictly limited to information necessary to accomplish the child protection or treatment purpose.

Misuse of LEADS is a serious matter! Disclosure of LEADS information is protected by both State and Federal Law. It is a class A misdemeanor to improperly disclose LEADS information. A worker shall share LEADS information only for the reasons stated in this Administrative Procedure. If a worker shares LEADS information other than as authorized in this Administrative Procedure:

- The worker may permanently lose access to LEADS, thus rendering him or her unable to perform certain jobs;
- The worker may be subjected to progressive disciplinary action, up to and including discharge;
- The worker may be convicted of a Class A misdemeanor, fined up to \$1,000 and jailed for up to 364 days (the State of Illinois will not indemnify staff who misuse LEADS information); and/or
- If a private child welfare agency does not ensure that its staff are sharing LEADS information appropriately, the entire agency may permanently lose access to LEADS information, thus making it impossible for the agency to continue to provide many contractual services to the Department.

c) LEADS Information May Not Be Released In Response to a Subpoena

LEADS information shall not be released in response to a subpoena or request for information without a court order signed by the judge, except as permitted by this Administrative Procedure. Workers shall release LEADS information pursuant to an impoundment of records by the Office of Inspector General in accordance with Rule 431.130, Impoundment of Records by the Office of Inspector General.

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d) LEADS Information in the Child Protection Record

LEADS information included in the child protection investigation file may be forwarded to the child welfare worker as part of the investigative file. Child protection investigators and child welfare workers shall share LEADS information on a “need to know” basis, as defined in [Section 6.2](#) of this Administrative Procedure, with other persons providing services when it is relevant to child protection or service decisions to be made on behalf of the child or family.

Section 6.10 Applying LEADS Information When Placing with Unlicensed Relatives

One of the uses for LEADS is to determine whether a child for whom DCFS is legally responsible may be placed in the home of an unlicensed relative. If the caregiver, another adult member of the household, or an adult who frequents the home has been convicted of certain crimes, the child may not be placed in the home unless a waiver is granted. See Rules 301, Appendix A for a complete list of crimes which bar placement with relatives unless the criminal history record information is waived and for information about the waiver procedure.

The caseworker must assess all convictions, arrests, probation and supervision orders to determine whether safety concerns or risk factors exist, whether or not based upon a crime which constitutes a bar to placement.

Orders of supervision are not “convictions” and therefore do not require a waiver by the Director or the Director’s designee. However, before being placed on supervision, the defendant must admit in open court that he or she committed the offense for which supervision is granted. So, even though no waiver is required, the caseworker must still assess the conduct which led to the supervision order and judge the suitability of the home in accordance with the requirements in Rules and Procedures 301.80, Relative Home Placement.

Similarly, a pattern of arrests may alert a caseworker to safety issues that should be explored with the family. (See [Section 6.11](#) for more detail.)

Section 6.11 Applying LEADS Information When Assessing Risk

Criminal history record information should always be assessed in terms of its relevancy to child safety. Of particular concern is criminal history record information which indicates issues of violence, drug abuse, or pedophilia. Whenever LEADS information appears relevant to child safety, the worker shall access the underlying documents supporting the LEADS information. Once the underlying documents are retrieved, the worker shall assess the relevancy of the information to child safety and conduct any interviews necessary to understand or learn more about the events described in the underlying documents. If the information is relevant to child safety, the worker shall assess the information using the criteria listed below. Assessing criminal history record information can be difficult.

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Workers should consult with their supervisors and legal counsel, as necessary, to obtain and understand LEADS information.

a) Convictions, Orders of Supervision, and Orders for 710 or 1410 Probation

Convictions, orders of supervision, and orders for 710 or 1410 probation are proof that the person committed the underlying act. The person was either found guilty of the offense beyond a reasonable doubt, or the person admitted to committing the crime. In assessing risk to a person or assessing a home environment, use the following assessment criteria:

- 1) the seriousness and nature of the crime for which the individual was convicted or admitted including a determination of whether the crime is among those:
 - A) listed in Appendix A of 89 Ill. Adm. Code 385, Background Check, that serve as a bar to licensure or employment in a position that allows access to children, or
 - B) listed in Appendix A of 89 Ill. Adm. Code 301, Placement and Visitation Services, that serve as a bar to placements with relatives unless the criminal history record information is waived pursuant to the waiver procedure.
- 2) the relationship of the crime to the capacity to safely care for children or to have access to children;
- 3) the circumstances surrounding the commission of the crime, including the age of the individual, that would demonstrate a low likelihood of repetition;
- 4) the period of time that has elapsed since the crime was committed or since release from incarceration;
- 5) the number of crimes for which the individual was convicted or to which he or she admitted;
- 6) evidence of rehabilitation such as successful participation in therapy since conviction or admission;
- 7) commutation of the sentence by the Governor or granting of a pardon;
- 8) overturn of the conviction upon appeal; and
- 9) character references.

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b) Pending Charges

If criminal charges are pending, the level of certainty that the person committed the crime is much lower. Although a person is presumed to be innocent until proven guilty beyond a reasonable doubt, if the charges are for a felony and the case is pending in court, then a judge or a grand jury has found “probable cause” that a crime was committed and this person committed it. Treat pending criminal charges, especially felony charges, very seriously. Assess pending criminal charges by using the following criteria:

- 1) the seriousness and nature of the charges which are pending including a determination of whether the charges are among those:
 - A) listed in Appendix A of 89 Ill. Adm. Code 385, Background Check, that serve as a bar to licensure or employment in a position that allows access to children, or
 - B) listed in Appendix A of 89 Ill. Adm. Code 301, Placement and Visitation Services, that serve as a bar to placements with relatives unless the criminal history record information is waived pursuant to the waiver procedure.
- 2) the relationship of the charges to the ability to safely care for children or to have access to children;
- 3) the circumstances surrounding the incident that led to the criminal charge;
- 4) whether the individual has ever been convicted of or charged with crimes of a similar nature; and
- 5) character references and other information submitted by or on behalf of the individual, especially about the suitability of the individual to care for children.

c) Cases which are Dismissed, Nolle Prossed, or Stricken on Leave

If a case has been dismissed, nolle prossed, or stricken on leave (SOL), the court, the State’s Attorney or the police terminated the prosecution. LEADS may provide some information explaining why the case was terminated. For example, if a charge was “Dismissed/no probable cause”, this strongly suggests that there is no evidence that the individual committed a crime and should not be considered when evaluating the caregiver’s suitability. Generally, however, one cannot glean much information from LEADS regarding these actions. If possible, ask the person about each of these arrests and dismissals. The person’s explanations of the events surrounding the arrest and court proceedings will often include admissions of guilt or anti-social conduct which may give rise to safety and risk concerns, even though the individual was never convicted. The person’s explanations may also appear unbelievable suggesting the need to gather additional information.

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d) Arrest Only Information

Arrest only information should be weighed carefully. Always remember that LEADS is a voluntary data entry system and the lack of conviction information in the LEADS system cannot be interpreted conclusively to mean that none of the arrests led to convictions. It is possible that the individual was convicted of the crime, but that the conviction has not been data entered on the system.

While arrest only information, if valid, does not support a determination that the subject committed the underlying act, it may frequently alert the worker to intra-familial issues relevant to assessing child safety. The worker should access the arrest/police reports to determine the facts supporting the arrest at the time.

For instance, a series of arrests for domestic violence or other violent acts indicates a violence or dispute-resolution problem within the family that requires further exploration and possible treatment. Similarly, a series of prostitution, drug-related offenses and petty theft arrests may alert the worker to a possible drug problem in the home.

e) Revocation of Probation

If a defendant does not comply with the terms of probation, the State may revoke probation. Probation revocation (often for the commission of another crime or violation of an order of protection) is proof that the defendant did not comply with a court order.

Section 6.12 Questions on LEADS

It may be difficult to interpret LEADS information properly. If a worker receives LEADS information and is unsure what the information means or the seriousness of the charges and convictions identified in the LEADS report, DCFS staff may consult with the appropriate Department regional legal counsel. Private agency staff may consult with the legal counsel used by the private agency or DCFS legal counsel.

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Appendix A: GLOSSARY OF WORDS USED IN CRIMINAL LAW

“Arrest” means the police have taken a person into custody. An arrest alone on the LEADS report does not mean that charges were filed in court. Persons are sometimes arrested by police and then released without charges. If the police recommend filing charges and if the State’s Attorney files the charges, the LEADS report will show “Direct Filed with Court.” Arrest information obtained from LEADS is not public information.

“Caution File Alert” means there is critical safety information on the LEADS system which may affect the safety of a person investigating or providing services to the family.

“Dismissed” means the court ends the case without making any findings or determinations against the defendant. Sometimes LEADS references particular types of dismissal including:

Dismiss/No probable cause. The court found that the State could not produce the minimal amount of evidence required to make a case to a judge or jury.

Dismiss/Want of prosecution. The court dismissed the case after the State failed to proceed with the case.

Dismiss/Superseded. These particular charges were replaced by other amended and/or additional charges.

“Felony” means a crime for which the prison terms start at one year and may go to life without parole or even death.

“Guilty” means the defendant has acknowledged the commission of the crime by admitting the facts before a judge or the defendant has been found to have committed the crime by a judge or a jury after a trial. This is a conviction and generally stays with the defendant forever.

“Mandatory supervised release” means parole.

“Misdemeanors” means a crime for which the maximum fine is \$1,000 and a maximum jail time of 364 days.

“Nolle Pros or Nolle Prosequi” means the charges were dismissed on motion of the State’s Attorney because the State’s Attorney has chosen not to prosecute the case. No further action on this charge will occur.

“No probable cause” means the court found that the State could not produce the minimal amount of evidence required to make a case to a judge or jury and dismissed the case.

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“Parole/mandatory supervised release” means that a person on parole (or mandatory supervised release) has been sent to prison, completed the term of imprisonment and has been released subject to the supervision of a parole officer.

“Petty offenses” means fine only crimes.

“Probation” means a possible sentence for misdemeanors and most felonies. It is a conditional and revocable release under the supervision of a probation officer. This is a conviction and generally stays with the defendant forever.

710 or 1410 Probation. These sentencing alternatives are similar to supervision. Even though the defendant admits his guilt, the court does not enter judgment, and if the defendant successfully completes the term of probation, the charges are dismissed. 710 probation, however, only applies to marijuana charges. 1410 probation applies only to controlled substance cases. Neither 710 nor 1410 probation is considered a “conviction.” Note: the LEADS report must say “710 probation” or “1410 probation” or else the sentence is regular probation and is considered a conviction.

“Stricken on Leave or SOL” means the State moves to dismiss pending charges with the right to reinstate the charges within 120 days if the person is in custody or 160 days if the person is not in custody. If the State does not move to reinstate the dismissal becomes final.

“Supervision or Withhold Judgment/Supervision” means a sentencing disposition in which an individual admits to the crime, but the court does not immediately enter judgment. Instead, the court sentences the individual to a conditional and revocable release similar to probation, but without probationary supervision. The court may impose conditions and reporting requirements. If the defendant successfully completes the term of supervision, the defendant is discharged and a judgment dismissing the charges is entered and, on request of the defendant, the charges are expunged. Supervision is not a “conviction.”